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Attorneys for Plaintiff
DONNIE COX

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

DONNIE COX,) Case No. CV-08-3927 WHA
)
Plaintiff,)
) **MOTION TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE**
vs.)
)
ELECTRONIC DATA SYSTEMS)
CORPORATION; and DOES 1 through 10,)
inclusive,)
)
Defendants.)
)

Pursuant to Rules 7 and 16-2(d) of the Civil Local Rules for the U.S. District Court for the Northern District of California, plaintiff Donnie Cox moves for an order continuing the initial case management conference in this matter to January 8, 2009 at 11:00 a.m.

A party may seek relief from the Order Setting Initial Case Management Conference by filing and serving a motion that (1) describes the circumstances which supports the request, (2) affirms that moving party's counsel has conferred with all other counsel in an effort to reach agreement about the matter, (3) is accompanied by a proposed revised case management schedule. (U.S. Dist. Ct., Local Civ. Rules, Northern Dist. Cal., rule 16-2(d).)

On August 18, 2008, this Court issued its order setting initial case management conference and ADR deadlines. (Royer Decl., ¶ 2.) Said order set the initial case management

1 conference for December 4, 2008 at 11:00 a.m. (*Ibid.*) Plaintiff Cox's counsel are the counsel of
2 record in *Susan Bradford and Lavona Stanley v. Dirk Winter, et al.*, case no. CV070354, venued
3 in the San Luis Obispo County Superior Court. (Royer Decl, ¶ 3.) During a January 31, 2008
4 case management conference, the jury trial for case no. CV070354 was set to begin on December
5 1, 2008. (Royer Decl, ¶ 4.) Said trial is expected to take approximately two weeks to complete.
6 (*Ibid.*)

7 When the initial case management conference was set in this matter, plaintiff's counsel
8 already had a trial in another matter scheduled to begin just three days prior to the conference
9 date. Plaintiff's counsel cannot simultaneously be present at the trial and the conference in this
10 matter. Plaintiff's counsel conferred with defendant's counsel and the parties have stipulated to
11 the conference being continued to January 8, 2009 at 11:00 a.m. (Royer Decl, ¶ 5.) Said
12 stipulation if filed herewith. (*Ibid.*)

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14 Dated: September 2, 2008

SIEGEL & YEE

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16 By: /S/
17 Dean Royer

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19 Attorneys for plaintiff
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DONNIE COX